

DISPENSING WITH CALENDAR  
WEDNESDAY BUSINESS ON  
WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF ADDITIONAL  
MEMBERS TO JOINT ECONOMIC  
COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 USC 1024(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee, in addition to Mr. SAXTON of New Jersey, appointed January 20, 2005:

Mr. RYAN of Wisconsin;  
Mr. ENGLISH of Pennsylvania;  
Mr. PAUL of Texas;  
Mr. BRADY of Texas;  
Mr. MCCOTTER of Michigan;  
Mrs. MALONEY of New York;  
Mr. HINCHEY of New York;  
Ms. LORETTA SANCHEZ of California;  
and  
Mr. CUMMINGS of Maryland.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INCAPACITATED PERSON'S LEGAL  
PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, soon I will be introducing legislation to give incapacitated individuals their explicit due process rights of habeas corpus when a court orders their death by removal of nutrition, hydration and medical treatment. The Incapacitated Person's Legal Protection Act gives incapacitated persons the same rights of due process available to death row inmates.

The Act will open up an avenue of legal relief currently not clearly available to disabled and incapacitated individuals who are unable to speak for themselves. These individuals can become the subject of a court order affecting their death, such as the case of Terri Schiavo. Terri is a Florida woman who, at age 27, suffered a heart attack and experienced brain damage due to lack of oxygen. While in the hospital, tubes were inserted in her diges-

tive system to provide nutrition and hydration and continue to keep her alive.

Ten years after Terri's unfortunate condition occurred, her husband moved to have the feeding tubes removed intending to end her life. This occurred after Terri received nearly \$1.5 million in jury awards and legal settlements. Fortunately for Terri, her parents intervened against the desire of Terri's husband and have stayed her death through legal maneuvering until last week.

On Friday, February 25, Judge George Greer issued an order to remove the nutrition and hydration of Terri on Friday, March 18 at 1 p.m. This order will initiate the starvation death of Terri. To my knowledge, it is unprecedented in law.

All through the Schiavo trial, Terri's parents and husband have been afforded counsel, yet Terri has never been afforded independent counsel, in a matter that will result in her life or death. Terri has had no voice of her own in these legal proceedings, something so fundamental to every adult American, even convicted murderers.

The case of Terri Schiavo deserves a second look by an objective court. For example, despite the court's pronouncement that she is in a persistent vegetative state, evidence exists to the contrary.

Terri is not in a coma as I would define it, and I am a physician. She is not on a respirator or other 24-hour-a-day medical equipment. Terri is responsive to stimuli, such as voices, touch and the presence of people. She can move her head and establish eye contact. Terri can smile, demonstrate facial expressions and cry. She can arch her back and move away or towards voices and people. Terri makes sounds and attempts to vocalize as a way of communication.

As a physician who has cared for people in comas and who were considered in a persistent vegetative state, I have some experience in determining the degree of incapacitation of disabled individuals, and it is a travesty to countenance the notion of putting her to death somehow because she is not able to speak.

Terri and similar incapacitated people should be afforded the same constitutional protection of due process as death row inmates whose lives hang in the balance in judicial proceedings. Because in cases like these, mistakes are not subject to correction, Terri and people similarly situated must have access to de novo review of their case and representation, just like any death row inmate gets.

The Incapacitated Person's Legal Protection Act, which I am going to introduce soon, explicitly recognizes in Federal law the due process protection of habeas corpus appeal for incapacitated individuals who are the subject of

a court order to effect their death by removal of nutrition, hydration or medical treatment. It does not apply to circumstances where advanced medical directives are in effect. The Act simply provides a final avenue for review of the case to ensure that a incapacitated person's constitutional rights of due process are maintained and that justice is done.

Now, we know that lawyers are going to file habeas corpus claims about this case, and that is not a surprise and nothing prohibits them from doing so. The Incapacitated Person's Legal Protection Act is needed because the state of the law on this topic needs to be clarified.

These cases are typically reserved for criminal cases. In civil cases like Terri's, the decision to even consider a habeas appeal is at the court's discretion. The Constitution in the 14th Amendment, however, gives Congress the express authority to protect the life of any person by directing the judiciary with respect to the guarantee of due process and equal protection under the law. That is what the Incapacitated Person's Legal Protection Act does. It tells the courts that the due process and equal protection rights of incapacitated persons are explicitly authorized under Federal habeas corpus statutes.

DEMOCRACY IN THE MUSLIM  
WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, the terrorists who attacked this country on September 11 emerged from part of the world where oppression of popular will often finds its outlet in Jihadi extremism and hatred of the West, especially the United States.

Throughout much of the Muslim world, brittle, autocratic regimes jealously guard wealth and political power, while the vast majority of the citizens languish in poverty. Despite the Arab world's vast oil wealth and its rich cultural and intellectual history, the region has languished, in large part, because its leaders refused to enact the liberalizations necessary to unleash the power of hundreds of millions of people.

After the 9/11 attacks, the President and other senior administration officials vowed to "drain the swamp" that birthed al Qaeda and other radical Islamists. Now, after two wars, thousands of casualties and hundreds of billions of dollars, the people of the Arab and greater Muslim world are beginning to drain the swamp on their own.

Last fall, the people of Afghanistan, who only 3 years ago were suffering under the medieval yoke of the Taliban, voted in large numbers in that country's first presidential election,